

ACPO Alternate Route 1 is shorter than the Hybrid Route by almost 3 miles, is approximately \$9,000,000.00 cheaper to build, prevents the transmission line from traversing a dairy farm and numerous proven residences, and would run parallel to existing ATXI transmission lines for a portion of the route. As the Commission's Senior Electrical Engineer admitted, the ACPO route "makes sense" under the least cost standard. ACPO Cross-Examination of Greg Rockrohr, p. 196. Implicit in the Staff's testimony is that ACPO Route 1 is that it makes more sense than the Hybrid Route. Yet the PO, for reasons not entirely clear, chooses the Hybrid Route, which makes less sense than ACPO Alternate Route 1.

Exception No. 4:

~~The Commission is concerned by the evidence which appears to show that ACPO's Alternate Route 1 would traverse an existing residential area near Interstate 172, potentially requiring the displacement of at least six assumed residences.~~

Although ATXI attempted to present evidence showing ACPO's Alternate Route 1 would traverse an existing residential area near Interstate 172, potentially requiring the displacement of at least six residences, on further examination of ATXI's evidence, it is clear ATXI cannot state with any degree of certainty whether ACPO's Alternate Route 1 would in fact displace any residents or in any other way traverse or impact an existing residential area. Moreover, ATXI admits that it not determine whether any of its assumed residences were in fact residences. However, there is a high degree of certainty that the Hybrid Route would come within 75 feet of an active dairy farm and unreasonably close to Katherine and Jerry Thomure.

ACPO takes exception to the finding of fact that the evidence shows ACPO's Alternate Route 1 would traverse an existing residential area, displacing six assumed residences. Although it is ATXI's burden to prove ACPO Alternate Route 1 traverses an existing residential area and would displace six residences, all ATXI could prove was that ACPO Alternate Route 1 **may** traverse an existing residential area. Donell Murphy, ATXI's own witness, admitted that ATXI made the assumption that residences were occupied when the building "appeared to be a

residence” without further inquiry. Tr. at 753. The idea that ACPO Alternate Route 1 would displace six residences was based solely on aerial maps that were proven to be inaccurate. Using an aerial map of the existing ATXI line that the ACPO Alternate Route 1 parallels, it would appear the existing ATXI line traversing multiple residences. Donell Murphy admitted she could not state whether such aerial footage, the exact aerial surveillance she was using to say ACPO Alternate Route 1 would displace 6 residences, was in fact accurate. Tr. at 751-52. Such inexact gathering of information is the exact problem the PO espoused as a concern in Section IV. In fact, the PO points out in Article IV that ATXI admits it did not take the necessary steps to confirm whether the structures it assumed were residences were in fact residences. Yet, without question, the PO adopts said fact as true. The PO is illogical in this respect. If ATXI’s evidence regarding the displacement of residents was a concern, why would the proposed order find such a concern in favor of ATXI and against ACPO. The PO turns the burden of proof on its head. In one area of the PO, the Commission scrutinizes ATXI for its inexact methods, yet makes findings in support of ATXI based exactly on ATXI’s inexact methods.

The PO adopts the conjecture and speculation of ATXI as fact while ignoring the unquestionable certainty that the Hybrid Route will come within 75 feet of Greg Edwards’ dairy farm and the Thomures’ newly built home. The PO ignores the real impact on ACPO intervenors and gives weight to supposed residents who did not intervene and who may not actually occupy the structures. It turns the proceedings upside down to give greater weight to alleged property owners that did not intervene than to property owners that did intervene and who engaged in these proceedings only to be minimized in favor of those that did not participate. As such, ATXI’s argument regarding residences adopted by the ALJ is misplaced and should not be relied upon in the least cost analysis.

Exception No. 5:

Although ATXI claims Moreover, it appears that ACPO Alternate Route 1 would require approximately 40 additional acres of tree removal, said claim is unsupported by fact and insignificant compared to the overall Project.

ACPO takes exception to the finding of fact that ACPO Alternate Route 1 would require approximately 40 additional acres of tree removal and the use of said finding of fact to support the ALJ's ultimate conclusion that the ACPO Alternate Route 1 is not the "least cost" option. ATXI implies that because the ACPO Route will require the removal of an additional forty (40) acres of trees is significant, yet ATXI admits these additional forty (40) are insignificant of the total acreage that will need to be cleared. ATXI Initial Brief, p. 34. Furthermore, ATXI offers no evidence of the quality of the forestry, e.g. whether its scrub brush or mature oak trees. Assuming the fact was true (which ATXI has no evidence to support that it is in fact true), the idea that 40 acres of tree removal impacts the analysis on approximate 100 million project to the point of being significant in the "least cost" analysis is missing the forest for the trees. There is absolutely no evidence regarding the value of the trees to add to the least value analysis.

Exception No. 6:

~~While ACPO characterizes the western part of its Alternate Route 1 as a "partially acquired unoccupied corridor," the Commission notes that ATXI contends that approximately 50% of that corridor has not been acquired and any existing easements are too narrow to accommodate an additional 345 kV transmission line.~~

ACPO Alternate Route 1 includes a "partially acquired unoccupied corridor" for approximately 50% of the route, as oppose to the Hybrid Route which has none. Although ATXI argues the existing easements as "too narrow to accommodate an additional 345 kV transmission line", acquiring any additional easement needed to accommodate the additional 345 KV transmission line through an unoccupied area makes more sense than acquiring wholly new easement. Furthermore, in Ameren's own words, the use of parallel lines is advantageous

ACPO takes exception with the dismissal of the use of the partially acquired unoccupied corridor as a factor in the least cost analysis. ATXI claims that the present easements for the 138 kV lines, approximately 50% of the ACPO Route, are too narrow for the Project's 345 kV line and thus "does not offer any meaningful routing advantage." Nevertheless, ATXI plans to acquire the entirety of the Hybrid Route's rights-of-way. ATXI appears to be speaking out of both sides of its mouth. When it is convenient, ATXI is confident that it can acquire any land needed by fully compensating the landowner for any impact the Project may have on the land. Yet in the present instant, it implies that it does not have enough land to make the ACPO Route feasible and is not able to acquire the additional rights-of-way that would ensure the success of the route. Again, for some unexplained reason, the ALJ simply accepts as true ATXI's almost absurd statement that somehow acquiring 100% of the right of way is better than only acquiring 50%.

Furthermore, the ACPO Route proposes the use of parallel lines along an existing 138 kV transmission line. In her cross examination, Donell Murphy explained that when considering routing options, it is advantageous to utilize "opportunities" that would allow like features to be placed by like features. Tr. at 727-29. Ms. Murphy described that, as linear features, transmission lines are "more compatible for parallel co-location" near linear corridors, such as property, section and field lines or existing transmission line rights of way. *Id.* at 729. Further, Ms. Murphy indicated that the more similar the feature, the better the opportunity for placement, i.e. a transmission line is more like another transmission line than a property line, as such placement would be better suited parallel to the other transmission line. *Id.* at 731. Although ATXI's own witness admits the use of parallel lines may be the better option, the ALJ simply ignores said fact. The most disturbing part of the PO is the fact that although the ALJ cautions

against the dangers of rushing into a decision regarding Project, he chooses to adopt as true ATXI's illogical logic.

Exception No. 7:

The Commission is not persuaded that the Hybrid Route is the best option for this segment of the project because it is not cost-effective and failsshould to eliminateaddress the concerns raised by almost-all-of the intervenors who have submitted testimony regarding this portion of the project, most notable that of a dairy farm that is in the direct path of the Hybrid Route and who has presented testimony of the harmful effects of the Hybrid Route on the milk production of its dairy cows. The Hybrid Route will prejudice several ACPO intervenors; however, there are no intervenors objecting to ACPO Alternate Route 1.

ACPO takes exception to the ultimate conclusion that the Hybrid Route is the most cost-effective and addresses the concerns of most of the intervenors. The Hybrid Route does not address some of the largest concerns for the intervenors, including the dairy farmer who is in danger of having a transmission line within 75 feet of his dairy barn. The Greg Edwards' dairy farm lies on the Hybrid Route, where the proposed transmission lines are placed nearly on top of his home and dairy barn. Mr. Edwards's dairy farm is circled and marked as "A" below. While ATXI will not commit to saying how close the proposed transmission lines will be to any structure, ACPO can say with certainty that the transmission line will come within 75 feet of Greg Edwards' dairy farm. Greg Edwards measured the distance and the Commission can consult the scale on the map introduced into evidence as ACPO Murphy Cross Exhibit 2.